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ADA Compliance Evaluation Report

The City of West Lafayette

Tapawingo Park

Date: June 20, 2012

Revision Date: January 3, 2013

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References:

- American ADAAG 2010 Standards for Accessible Design, commonly referred to as ADAAG
- The “proposed” Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, PROWAG.
- NFPA 72 (1999 or 2002 edition)
- International Building Code – 2006
- *ASME A17.1-1990, Safety Code for Elevators and Escalators*
- ANSI/BHMA A156.10-1985 American National Standard for Power Operated Pedestrian Doors
- ANSI A156.19-1984 American National Standard for Power Assist and Low Energy Power Operated Doors
- Fair Housing Amendments Act
- US Department of Housing and Urban Development

Abbreviations:

ADA – Americans with Disabilities Act	w/ - with
I.B.C. - International Building Code	lbs. – pounds
N.F.P.A. – National Fire Protection Agency	R/W- Right of Way
AFF. - above finished floor or walking surface.	S/W – sidewalk
max. – maximum	bldg. - building
min. – minimum	btm. - bottom
rqrđ’- required	dia. - diameter
rad. – radius	i.e. - in example

Facility Information:

Tapawingo Park is located on the Brown Street Levee along Tapawingo Drive in West Lafayette Indiana. It is approximately 20 acres in size and contains 1-1/4 miles of paved Wabash Heritage Trail and an accessible playground for ages 2-12. It is also home to the John T. Myers Pedestrian Bridge Plaza, the Brown Street Overlook and the Riverside Skating Center. A complete ADA compliance evaluation and inspection of the premises was conducted during June 2012. The park was built in 2002.

Facility/Address:

Tapawingo Park
Tapawingo Drive
West Lafayette IN 47906

Official responsible for the facility:

Joe Payne, Superintendent – City of West Lafayette, Parks & Recreation
Pennie Ainesworth, Assistant Superintendent - City of West Lafayette, Parks & Recreation

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Current Code:

2010 ADA Standards for Accessible Design (ADAAG 2010)

Proposed Accessible Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) as published July 26th, 2011.

Intent of this report:

The following report has been prepared for the City of West Lafayette, IN and its residents regarding Tapawingo Park and is intended to serve as a guide to ensure they keep their facilities in compliance with Americans with Disabilities Act laws and regulations. It is a “snap shot” of the current facility status and how it measures up to current ADA requirements. It details infractions and provides instruction with compliant remedies and recommendations.

This building was built prior to March 15, 2012, as such; the governing code is the 1991 ADA requirements and amendments. However, new 2010 ADA laws became effective March 15th, 2012 and are the governing code for any facility alterations thereafter. The City of West Lafayette is taking a proactive approach by pursuing building updates which exceed the mandate and meet the new 2010 ADA requirements where possible and readily achievable to do so, but not necessarily required in some circumstances. This report documents infractions of 1991 ADA standards which should have been addressed and removed by March 15, 2011 (also commonly referred to as Architectural Barriers). Remediation procedures will be in accordance with 1991 Regulations so as to comply with current law, and remedies meeting 2010 ADA Standards will also be recommended where it is readily achievable to do so.

General Information:

Reference- Americans with Disabilities Act Title III, Part 36 Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (*as amended by the final rule published on September 15, 2010*)

36.304 Removal of barriers.

(a) General.

A public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable, *i.e.*, easily accomplishable and able to be carried out without much difficulty or expense.

(b) Examples.

Examples were excluded for this report. (See Part 36 Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (*as amended by the final rule published on September 15, 2010*))

(c) Priorities.

A public accommodation is urged to take measures to comply with the barrier removal requirements of this section in accordance with the following order of priorities.

- (1)** First, a public accommodation should take measures to provide access to a place of public accommodation from public sidewalks, parking, or public transportation. These measures include, for example, installing an entrance ramp, widening entrances, and providing accessible parking spaces.
- (2)** Second, a public accommodation should take measures to provide access to those areas of a place of public accommodation where goods and services are made available to the public. These measures include, for example, adjusting the layout of display racks, rearranging tables, providing Brailled and raised character signage, widening doors, providing visual alarms, and installing ramps.
- (3)** Third, a public accommodation should take measures to provide access to restroom facilities. These measures include, for example, removal of obstructing furniture or vending machines, widening of doors, installation of ramps, providing accessible signage, widening of toilet stalls, and installation of grab bars.
- (4)** Fourth, a public accommodation should take any other measures necessary to provide access to the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.

(d) Relationship to alterations requirements of subpart D of this part.

(1) Except as provided in paragraph **(d)(3)** of this section, measures taken to comply with the barrier removal requirements of this section shall comply with the applicable requirements for alterations in § 36.402 and § 36.404 through 36.406 of this part for the element being altered. The path of travel requirements of § 36.403 shall not apply to measures taken solely to comply with the barrier removal requirements of this section.

Separate from Architectural Barrier Removal requirements, future additions and alterations to a building, under the ADA, are considered as new construction and alterations. They are required to comply with ADAAG 2010 regulations and suggest different priorities when providing accessible features. The following information references the Americans with Disabilities Act Title III, Part 36 Nondiscrimination on the Basis of

Disability in Public Accommodations and Commercial Facilities (as amended by the final rule published on September 15, 2010). Future additions or alterations shall include and consider the following...

Section 35.151 of 28 CFR Part 35

35.151 New construction and alterations.

(a) Design and Construction

(1) Each facility or part of facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such a manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.

(b) Alterations

(1) Each facility or part of facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

(4) Path of travel.

(iv) Duty to provide accessible features in the event of disproportionality.

When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

In choosing which elements to provide, priority should be given to those elements that will provide the greatest access, in the following order-

An accessible entrance;

An accessible route to the altered area;

At least one accessible restroom for each sex or a single unisex restroom;

Accessible telephones;

Accessible drinking fountains; when possible, additional accessible elements such as parking, storage, and alarms.

END OF REPORT

This concludes the report and findings of this ADA evaluation survey and inspection. Questions regarding the evaluation and this report may be directed to the author David Meihls at (765) 234-2ADA.

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